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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 07-0337 MHP
)	
Plaintiff,)	
)	PARTIES' JOINT REQUEST TO CONTINUE
v.)	SENTENCING HEARING AND [PROPOSED]
)	ORDER
JACQUELINE FROEHLICH-)	
L'HEUREAUX,)	
)	
Defendant.)	

The parties jointly request that, subject to the Court's approval, the sentencing hearing presently set for September 22, 2008, be continued and set for sentencing hearing on February 9, 2009, at 9:00 a.m. The United States has previously determined from reviewing the Court's publicly posted scheduling information that the Court is currently available for a hearing on that date. The assigned probation officer, Constance Cook, also has been consulted with respect to this date and has indicated that she is available on that date. The basis of the parties' joint request is set out in more detail below.

The defendant Jacqueline Froehlich-L'Heureaux pled guilty pursuant to a plea agreement on June 4, 2007, to one count of conspiracy to gain unauthorized access to a protected computer, exceed authorized access to a protected computer, and traffic in a password allowing unauthorized access to a protected computer, in violation of 18 U.S.C. § 371. The case was referred to the Probation Office for a presentence report. The plea agreement also includes

1 standard terms of cooperation.

2 In light of continuing cooperation under the terms of the plea agreement, the parties
3 jointly request that the September 22, 2008, sentencing hearing be continued for a sentencing
4 hearing on February 9, 2009. Additional time is needed for the defendant to complete her
5 cooperation with the government. Specifically, charges have now been filed against two
6 additional individuals — David Nosal and Becky Christian. That case is numbered CR 08-0237
7 MHP. The case against the defendant Christian is set to proceed to trial on August 5, 2008, and
8 the defendant Froehlich-L'Heureaux is expected to testify in that trial. The defendant Nosal's
9 trial has not yet been scheduled. When the Nosal matter does proceed to trial, the defendant
10 Froehlich-L'Heureaux is also expected to testify in that matter. Because Ms. Froehlich-
11 L'Heureaux will be required to testify in two trials, her cooperation with the government's
12 investigation is not yet complete.

13 For all of these reasons, the parties jointly request that this Court vacate the sentencing
14 hearing presently set for September 22, 2008, and set a sentencing hearing for February 9, 2009
15 at 9:00 a.m. In addition, the parties jointly request that the due dates for the presentence report
16 be calculated using the new sentencing date.

17 SO STIPULATED.

18
19 Dated: July 11, 2008

BRIAN J. STRETCH
Acting United States Attorney

20
21 /s/
22 KYLE F. WALDINGER
23 Assistant United States Attorney

24 SO STIPULATED.

25 Dated: July 11, 2008

26 /s/
LELAND B. ALTSCHULER
Attorney for defendant Froehlich-L'Heureaux

[PROPOSED] O R D E R

GOOD CAUSE APPEARING,

IT IS ORDERED that the sentencing hearing presently set for September 22, 2008, be continued to February 9, 2009, at 9:00 a.m. The final presentence report should be disclosed two weeks prior to the sentencing date.

Dated this ____ day July, 2008

HONORABLE MARILYN HALL PATEL
UNITED STATES DISTRICT JUDGE